

ENTERED

July 30, 2019

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PAUL EDWARD ARCHIE,

Petitioner,

v.

LAURIE DAVIS,

Respondent.

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CIVIL ACTION NO. H-19-2739

ORDER TO ANSWER

Petitioner, a state inmate proceeding *pro se*, filed this section 2254 habeas petition challenging the execution of his sentence. Preliminary examination of the petition indicates that an answer is needed. Under section 2241, *et seq.*, and the Rules Governing Section 2254 Cases in the United States District Courts, the Court **ORDERS** as follows.

1. The Clerk shall serve, by any receipted means, a copy of the petition (Docket Entry No. 1) and this order upon the respondent, Lorie Davis, P.O. Box 99, Huntsville, Texas 77342-0099, and upon the Attorney General of the State of Texas, Ken Paxton, Attention: Edward L. Marshall, Supervisor, Post-Conviction Litigation Division (Mail Code 066), P.O. Box 12548, Capitol Station, Austin, Texas 78711-2548.

2. Respondent shall file an answer to the petition pursuant to Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts no later than **SEPTEMBER 30, 2019**. Respondent shall serve a copy of the answer on petitioner.

3. If appropriate, respondent's answer shall contain (a) a statement of the authority by which petitioner is held; (b) the offense(s) and sentence(s); (c) a specific response to each factual allegation and legal contention with applicable authority; and (d) a statement as to whether petitioner has exhausted all state remedies.

4. Moreover, if appropriate, the copy of respondent's answer filed with the Court shall be accompanied by the following documents relating to the conviction(s) of the state court which petitioner attacks: (a) copies of the indictment(s), judgment(s), sentences(s), or order(s) pursuant to which petitioner is being held; (b) if petitioner appealed from the judgment or conviction or from an adverse judgment or order in a post-conviction proceeding, a copy of petitioner's brief on appeal and a copy of the judgment(s) on appeal, the statement of facts on appeal, the opinion(s) of the appellate court(s) or a reference to where it or they may be found; (c) if petitioner has collaterally attacked the judgment or conviction or order in a post-conviction proceeding, a copy of petitioner's application for collateral relief, including all answers and judgments rendered as a result; and (d) a copy of such portions of the transcripts respondent considers relevant for a proper resolution.

5. Unless otherwise instructed by the Court, each party shall serve the other party, or counsel, with a copy of every pleading, letter, or other document submitted for consideration by the Court. This order does not require the State to provide petitioner a free copy of the state court record. Any pleading or other document received by the Court which

fails to include a proper certificate of service will be stricken from the record or dismissed without prejudice.

6. There will be no direct communications with the U.S. District Judge or Magistrate Judge unless otherwise ordered by the Court.

7. No supplemental or amended pleadings may be filed without prior leave of court. Any motion for leave must include a copy of the proposed amended or supplemental pleading.

8. If respondent elects to answer by filing a dispositive motion (*i.e.*, a motion to dismiss or for summary judgment), or otherwise files a dispositive motion, petitioner is **ORDERED** to file a response within **THIRTY DAYS** of the date reflected on the certificate of service. Petitioner's failure to file a timely response will result in dismissal of this lawsuit or disposition of the motion as an uncontested motion.

9. Petitioner is **ORDERED** to notify the Court and respondent of any change in his mailing address by filing a written notice of change of address.

Signed at Houston, Texas, on this the 29th day of July, 2019.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE